IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.3896 OF 2004

Shri Sohrab Abdul Sattar Gujar, .. Petitioner
Vs
Smt. Asma Khatun Mohiuddin
Adhikari & ors. .. Respondents

Mr P.S.Dani, for the petitioner.
Mr H.A.Solkar, for respondent no.1.

CORAM : D.B.BHOSALE,J.
DATE : 05.09.2006

PC:

1. Heard the learned counsel for the parties.

2. By this writ petition, the petitioner has impugned the order dated 6.2.2004, by which the petitioner's application seeking condonation of delay of 45 days in filing the appeal against the judgment and decree dated 31.3.1999 has been rejected. I perused the order and, in my opinion, the petitioner has shown sufficient cause for condonation of delay. In the circumstances, delay of 45 days in filing the appeal is condoned. The appeal filed by the petitioner is restored to file. The appeal court shall decide the appeal on merits in accordance with law as expeditiously as possible and preferably within a period of one year from today. In view of the peculiar facts and circumstances of the case, no interim relief, as prayed for, in the present petition in terms of the prayer

clause (c), shall be granted even pending hearing and final disposal of the appeal.

3. With these observations, the writ petition is disposed of.

(D.B.BHOSALE,J.)